

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:10-CR-141-PMP (RJJ)
	)	
BOBBY EDWARD HOLMES, JR.,	)	
	)	
<u>Defendant.</u>	)	

**AMENDED PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on April 26, 2010, defendant BOBBY EDWARD HOLMES, JR., pled guilty to Counts One and Two of a Two-Count Criminal Information charging him in Count One with Computer Fraud, in violation of Title 18, United States Code, Section 1030(a)(4) and (c)(3)(A); and in Count Two with Wire Fraud, in violation of Title 18, United States Code, Section 1343.

This Court finds that defendant BOBBY EDWARD HOLMES, JR., agreed to the forfeiture of the property set forth in the Forfeiture Allegations of the Criminal Information.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between the property set forth in the Forfeiture Allegations of the Criminal Information and the offense to which defendant BOBBY EDWARD HOLMES, JR., pled guilty.

...

...

...

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
2 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section  
3 982(a)(2)(A) and (B); Title 18, United States Code, Sections 1030(i)(1)(A) and (B); and Title 21,  
4 United States Code, Section 853:

- 5 a) Generic PC Model# GQ6141, Serial Number: 6141GQX70900879;
- 6 b) Toshiba Laptop Serial Number: 48406479Q;
- 7 c) Toshiba Tecra Laptop Serial Number: 63023942VU;
- 8 d) All paper containing personal identifiers of victims or potential victims; and
- 9 e) an *in personam* criminal forfeiture money judgment of \$48,310.38 in United  
10 States Currency.

11 This Court finds the United States of America is now entitled to, and should, reduce the  
12 aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
14 United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
16 BOBBY EDWARD HOLMES, JR., in the aforementioned property is forfeited and is vested in the  
17 United States of America and shall be safely held by the United States of America until further order  
18 of the Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
20 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
21 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state  
22 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
23 the name and contact information for the government attorney to be served with the petition, pursuant  
24 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

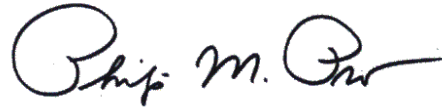
25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
26 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
3 following address at the time of filing:

4 Michael A. Humphreys  
5 Assistant United States Attorney  
6 Daniel D. Hollingsworth  
7 Assistant United States Attorney  
8 Lloyd D. George United States Courthouse  
9 333 Las Vegas Boulevard South, Suite 5000  
10 Las Vegas, Nevada 89101.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
12 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
13 following publication of notice of seizure and intent to administratively forfeit the above-described  
14 asset.

15 DATED this \_\_ 26th day of May, 2010

16 

17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE**

I, Kelle L. Kuebler, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on May 25, 2010 by the below identified method of service:

E-mail/ECF

Gerald Luke Ciciliano  
Ciciliano & Associates, LLC  
621 South 10<sup>th</sup> Street  
Las Vegas, NV 89101  
Email: luke@cicilialaw.com  
*Counsel for Bobby Edward Holmes, Jr.*

/s/ KelleLKuebler  
Kelle L. Kuebler  
Forfeiture Support Associate Paralegal